



**MINUTES  
FREMONT PLANNING COMMISSION  
REGULAR MEETING OF MAY 22, 2003**

CALL TO ORDER: Chairperson Cohen called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Cohen, Commissioners Wieckowski, Harrison, Thomas, Sharma, Natarajan

ABSENT: Commissioner Weaver

STAFF PRESENT: Jeff Schwob, Deputy Planning Manager  
Larissa Seto, Senior Deputy City Attorney  
Barbara Meerjans, Associate Planner  
Mitch Moughon, Senior Civil Engineer  
Nancy Minicucci, Associate Planner  
Matt Foss, Planner II  
Laura Gonzales-Escoto, Deputy Director for  
Housing and Redevelopment  
Alice Malotte, Recording Clerk  
Chavez Company, Remote Stenocaptioning  
Mark Eads, Video Technician

**Chairperson Cohen** announced that the stenocaptioning was undergoing technical problems and would commence as soon as possible.

APPROVAL OF MINUTES: Regular Minutes of April 24, 2003, were continued to June 12<sup>th</sup>, because the Commissioners who had moved and seconded the motion on the Washington West project were incorrect.

**CONSENT CALENDAR**

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 1 AND 2.

IT WAS MOVED (HARRISON/NATARAJAN) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS ON ITEM NUMBERS 1 AND 2.

**Item 1.** **SECONDARY UNIT ZTA – City-Wide – (PLN2003-00201)** - to consider a Zoning Text Amendment to applicable sections of the Fremont Municipal Code pertaining to Secondary Dwelling Units for consistency with State law. The State mandates that Secondary Dwelling Units be considered ministerially. This project is ministerially exempt from CEQA review per Section 15268 [Ministerial Projects].

**CONTINUE TO JUNE 12, 2003.**

**Item 2.** **CENTRAL PARK KNOLL GPA – 39710 Civic Center Drive – (PLN2003-00208)** - to consider a General Plan Amendment to change the land use designation from Public Facility and Civic Center to Open Space; a rezoning of the site from P-F Public Facility to O-S Open Space District; and a General Plan conformity finding for parkland acquisition of the civic center area (13.14 acres) as part of Central Park. A Mitigated Negative Declaration has been prepared for this project.

**Commissioner Wieckowski** asked if the Commission would have a chance to review parkland acquisition policies when the General Plan update came before the Commission.

**Deputy Planning Manager Schwob** replied that the City Council had recently adopted a Community Planning Fee, and 50 percent of those fees would be directed toward the General Plan update, which was expected to begin in approximately two years.

**HOLD PUBLIC HEARING;**

**AND**

**RECOMMEND THAT THE CITY COUNCIL FIND THE INITIAL STUDY CONDUCTED FOR PLN2003-00208 HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;**

**AND**

**RECOMMEND CITY COUNCIL APPROVE DRAFT MITIGATED NEGATIVE DECLARATION FOR PLN2003-00208 AND FIND IT REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;**

**AND**

**FIND THE 13.14-ACRE PORTION OF THE FORMER CIVIC CENTER PARCEL (EXHIBIT "C") IS IN CONFORMANCE WITH THE PARK AND RECREATION CHAPTER OF THE GENERAL PLAN. THE SITE REPRESENTS AN IMPORTANT OPPORTUNITY FOR THE CITY TO ACQUIRE REPLACEMENT LAND FOR A PUBLIC PARK USE;**

**AND**

**RECOMMEND THAT THE CITY COUNCIL APPROVE THE GENERAL PLAN CONFORMITY FINDING THAT PLN2003-00208, PER EXHIBIT "C", IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN AS ENUMERATED WITHIN THE STAFF REPORT;**

**AND**

**RECOMMEND THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT, PER EXHIBIT "A";**

**AND**

**RECOMMEND THAT THE CITY COUNCIL APPROVE REZONING, PER EXHIBIT "B".**

The motion carried by the following vote:

AYES:	6 – Cohen, Harrison, Natarajan, Sharma, Thomas, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	1 – Weaver
RECUSE:	0

## **PUBLIC COMMUNICATIONS**

### **ORAL COMMUNICATIONS**

## **PUBLIC HEARING ITEMS**

- Item 3. R-3 ZONING DISTRICT ZTA – City-Wide – (PLN2003-00225)** – to consider a City-initiated Zoning Text Amendment (ZTA) to create a new Multi-Family Zoning District (R-3) and to revise associated portions of the Fremont Municipal Code for compatibility with the new zoning district; including but not limited to definitions, parking standards, and special provisions. A Negative Declaration has been prepared for this project.

**Commissioner Natarajan** asked if City-initiated projects were usually heard last.

**Chairperson Cohen** replied that the policy was changed for this meeting to accommodate certain schedules.

**Planner Foss** began with stating that three community meetings had been held, along with one study session for the Planning Commission. Modifications to definitions included:

- Article 1 – Apartments, efficiency and single-room occupancy (SRO) units were more clearly defined to be compatible with State law, which supported minimum size requirements of 150 square feet and a maximum of 280 square feet. These units would be counted as one-half a dwelling unit for General Plan density purposes and would allow higher unit counts to be developed.
- Article 7.5 – New R-3 Multifamily Zoning District added to allow appropriate infill development and to allow developers flexibility while ensuring that the City obtained overall high quality developments. Single-room occupancy or efficiency apartments would be permitted rather than conditional uses.
- Density – Live/work units would be defined and the “special provisions” section would be referenced. A Conditional Use Permit (CUP) would be required. The term “residential range area” would be struck. Ground floor commercial uses would require a CUP when located on a major street and in a building three stories or taller.
- Height regulations were raised to 52 feet, which could be raised even higher by the Commission.
- Lot and site requirements were generally reduced, reflecting smaller, infill sites and could be modified by the Commission. Townhouse development would be exempt from certain requirements, such as minimum lot size.
- Affordable housing incentives included lot coverage increases, common open space and parking reductions and higher densities for SRO units.
- Architectural design standards and guidelines were added to ensure that developers were aware of the preferences of the City and to promote variety among projects.
- Rooming and boarding houses would not be subject to a maximum density requirement, but would be reviewed on a case-by-case basis when applying for a CUP.
- Parking standards would be based upon the number of bedrooms rather than upon the unit type. New standards would place the City in the middle when compared to other Bay Area cities, rather than the top third. Tandem parking would be allowed in certain situations and required overall parking could be reduced when in proximity to transit, urban centers and/or types of tenancy.
- Sign regulations to be compatible with the above.
- Article 21.3 – Special Provisions Applying to Miscellaneous Uses, modified, such as “condominium conversions” which changed to apply to conversions, only, rather than both new and conversion projects. Developments with 20 units or greater must contract with a professional homeowners association management company.

**Planner Foss** closed with the request that the Planning Commission recommend formal multifamily development guidelines for future review and recommend that staff revisit engineering and landscape standards.

**Commissioner Harrison** asked if the condominium conversions would be owner, rather than City, initiated.

**Planner Foss** replied that the property owner would have to apply for a Tentative Tract Map.

**Commissioner Wieckowski** asked if the 280 square foot maximum size for the SRO units was in line with a State recommendation. He asked if the restrictions for live/work units applied to units in industrial areas, as well as residential and commercial areas.

**Planner Foss** stated the maximum size requirement was based upon staff research concerning currently built, average sized units.

**Deputy Planning Manager Schwob** replied that mixed use had not yet been proposed in industrial districts, due to compatibility issues.

**Commissioner Wieckowski** could envision people, who were trying to reintroduce themselves into the community after overcoming personal problems, needing living facilities within industrial districts that would be close to certain kinds of jobs. He also felt that industrial buildings could accommodate this potential need. He asked why the 30-foot building height was limited in projects of ten units or less and why not allow the 52 feet to encourage higher density.

**Planner Foss** responded that projects with ten units or less would need to be more compatible with the existing surrounding neighborhood. A high structure that was located ten feet from the property line would intrude upon the neighbors' privacy.

**Commissioner Wieckowski** argued that additional density was needed and might hinder housing variety. The Commission and the City Council would have to approve any project and could specify that the heights be lower, if applicable. Height limits should be flexible to accommodate a variety of locations. He asked what the parking requirements for the top half of the Bay Areas cities were and who had the lowest requirements.

**Planner Foss** stated that the Commission would not necessarily see all of the ten unit or less projects. He displayed a drawing showing height limits that demonstrated height limits would be limited within 50 feet or less of the property line. Parking requirements in the top half of the Bay Area cities averaged 2.5 parking spaces per unit, which was the highest requirement. Berkeley and San Francisco requirements were one space per unit.

**Commissioner Natarajan** added that available street parking counted toward that one space in San Francisco.

**Commissioner Wieckowski** asked if street parking would be considered within the calculation. He wondered if creative infill projects might come forth if required parking was reduced to 1.25 per unit and street parking was allowed.

**Planner Foss** replied that parking requirements could be reduced, based upon that consideration.

**Commissioner Thomas** believed that the height regulation sentence was confusing. She asked if it meant that the General Plan density designation was on the property that would abut the development, not the property that was to be developed. She asked if a development was next to a commercial property and was ten units or less, would it be affected by the height regulation.

**Planner Foss** stated that it would not be affected.

**Commissioner Wieckowski** asked if the property on one side of a development was zoned commercial and property on the other side was zoned 5-7 units, the 50-foot regulation could limit the creation of a small, infill project.

**Planner Foss** replied that the Commission could lower it through site plan and architectural approval.

**Chairperson Cohen** reminded everyone that the City of Fremont was still more suburb than city.

**Commissioner Harrison** asked if the regulation regarding the construction of elementary and secondary schools referred to public or private schools. Concerning live/work units, he wondered if the hours of operation should be restricted on certain days.

**Deputy Planning Manager Schwob** stated that the regulation would affect most private schools.

**Planner Foss** stated that the live/work and “hours of operation” requirements were taken from the Benton at Civic Center and the Old School developments. Staff would be interested to hear direction from the Commission concerning hours of operation.

**Commissioner Sharma** asked how the 11-unit standard review of architecture and site design by the Planning Commission came to be. Why was the 20 units number in a condominium development chosen to require a professional management company? Why not more or less?

**Deputy Planning Manager Schwob** replied that most of the City sites would be infill and would require a public hearing, so any development larger than ten units was felt to be of general importance for the public and the Commission to review.

**Planner Foss** stated that a development of at least 20 units was required to hire a professional management company at this time. It seemed to work well, so was not changed.

**Deputy Planning Manager Schwob** added that if the Commission felt that a different number was more appropriate, staff was willing to look at it.

**Commissioner Natarajan** stated that she would hold her comments until after the close of the public hearing.

**Chairperson Cohen** opened the public hearing.

**Tom Perez**, representing Affordable Housing Advocates (AHA), complimented staff concerning their responsiveness to AHA’s previously made suggestions. He wondered at a CUP being required for permanent or temporary housing for the homeless. He suggested that the wording be changed from referencing the homeless to describing the activity, for example “Short-term residency shelters.” The balconies and patios that were currently required for private open space added to the cost of affordable housing developments for low and very low income residents. The cost of this space could not be recovered through the normal rental income process. He recommended that this requirement be exempt for low and very low housing or add an exemption to the incentives for affordable housing. The proposed parking requirements were unreasonable for low and very low residential developments, because the vehicles per family were lower than at higher income levels. He suggested that studio and one-bedroom units have the same parking requirements as senior citizen developments, i.e., one-half space per unit with one-half space per guest provided.

**Commissioner Wieckowski** asked the speaker’s opinion about problems that might be created if a CUP was not required for temporary shelters.

**Mr. Perez** replied that he could not see any problems, as far as his organization was concerned.

**Judy Rivera**, Realty Experts, stated that she was representing the sellers of a property located on Fremont Boulevard and currently zoned RG 29. The site had condominiums on the right side and in the back and was open on the left hand side. She understood that taller buildings could be constructed on this property because of the tall condominiums located on two sides and that less off street parking would be required because the site was on a major thoroughfare. She knew of developers who were detoured because of not enough City money for help with development. One older structure, dating from 1918, “looked great from the street, but inside didn’t look great anymore.” She asked for flexibility concerning historic structures and suggested that they should be reviewed on a case-by-case basis.

**Chairperson Cohen** asked exactly where the speaker’s site was located. He asked if the new regulations would provide greater flexibility for development on her site.

**Ms. Rivera** replied that her site was on the left side between La Casita Restaurant and Blacow Road, close to Haven Avenue. She agreed that the new regulations would provide greater flexibility. However, the older homes needed to be reviewed individually.

**Chairperson Cohen** asked if she was speaking of the “historic” home on her property. He argued that sometimes there was too much flexibility with historic homes.

**Ms. Rivera** stated that the home on her client’s site was not on any historical list.

**Commissioner Sharma** asked what kind of incentive from the City was the speaker referring to.

**Ms. Rivera** stated that she understood that because AC Transit passed in front of the site on Fremont Boulevard, less off-street parking would be required. Privacy would not be an issue, because no single-family homes were adjacent to the property.

**Commissioner Sharma** asked if the speaker was saying that if a development was built near BART, that the parking requirements should be less.

**Ms. Rivera** stated that she did not have an issue with the changed parking regulations.

**Chairperson Cohen** closed the public hearing.

**Commissioner Natarajan** felt this document was a great start. However, she had questions and comments, as follows:

- Page 3 – Higher density, high quality  
Definition was needed that gave a sense of the high quality the City desired.

**Chairperson Cohen** asked if a definition was in the Zoning Ordinance text, itself.

**Commissioner Natarajan** replied that there was none.

- The purpose of the multifamily residential district must be more specific. Discussion was needed about creating a sense of place or neighborhood and providing connections to the existing developments around it.
- Page 4 – Height restrictions  
Clarity was needed regarding where the 52 feet was measured to. Did it include a parapet height for a flat roof or to the midpoint of a sloped roof?

**Planner Foss** stated that the height was to be measured to the middle of the roof.

**Deputy Planning Manager Schwob** stated that measuring to the midpoint of the roof was the standard definition for measuring height in the flat lands. The parapet was not included.

- 50 foot setback for the 30-foot height limit  
Why was the setback to be measured from the property line rather than from the adjacent building?

**Planner Foss** stated that privacy was important from the building to yard, as well as building-to-building.

**Commissioner Natarajan** asked if he had considered the line of site if a fence was on the property line.

**Planner Foss** replied that privacy was the intent. He had not performed any measurements.

**Commissioner Natarajan** opined that the planner had the intent and reasoning in his head, but it would not be apparent to another staff person when he was no longer there. She suggested a bullet be added to each requirement that noted the intent, along with a requirement statement. Intent statements would give the Commission the basis for the flexibility to make certain findings.

- Page 4 – Architecture and Site Design Standards  
The word “cohesive” should be removed. Otherwise, the same style could be seen over and over again. “Compatible” was good enough.
- Page 5 – Article 20 – Three required covered spaces  
Was tandem parking part of the count and, if not, why?

**Planner Foss** replied that it was not considered for single-family parking.

**Deputy Planning Manager Schwob** answered that there was no reason why tandem parking had not been counted. He believed that it could be appropriate.

- Page 5 – Front and street-side setbacks  
A 20-foot setback did not contribute to a pedestrian-friendly project.

**Deputy Planning Manager Schwob** stated that the intent was 20 feet unless the project was fostering a pedestrian-oriented environment, then it could be less, if appropriate within the context of the project.

**Commissioner Natarajan** asked in what kind of development would 20 feet be appropriate.

**Deputy Planning Manager Schwob** suggested that an infill project that was among other setback buildings would be more appropriate at the same setback to keep the streetscape alike.

- Point 3 – 15 feet between windows angled at 90 degrees  
An explanation was needed.

**Planner Foss** showed a sketch that demonstrated how the windows should be set for privacy purposes.

**Commissioner Natarajan** asked if a corner window would be allowed.

**Planner Foss** replied that if the buildings were 15 feet apart, a corner window would be allowed.

**Deputy Planning Manager Schwob** asked if she was asking if it would matter if corner windows were in the same unit.

**Planner Foss** read the regulation that stated “. . . between windows of separate units located on walls.” The 15 feet was slightly smaller than current RG standard (which was 20 feet) and was based upon the fact that these sites were smaller with denser infill development.

- Private open spaces with the balconies and the patios.  
Minimum dimensions did not encourage variety. Again, an intent was needed here.
- Page 6, Architectural and Site Design Standards  
Were these standards or guidelines?

**Deputy Planning Manager Schwob** replied that some were “shalls” and some were “shoulds.”

**Commissioner Natarajan** suggested a definition of each, the “shalls” and “shoulds”. Perhaps they should be separated so that one knew where the flexibility was allowed.

- Subsection A  
Remove the word “cohesive” for the reasons stated above and replace with “well designed” or “creative” or “variety to avoid monotony.”
- Subsection C  
“Should” should be changed to “shall.”
- Subsection F – Bicycle connections, locations, designs and details  
What was meant? Define facilities for bicycles and other forms of transportation.

**Chairperson Cohen** suggested that “shall” rather than “should” be used.

- Subsection J – Townhouse and townhouse-style development  
What were townhouse-style developments and should “should” or “shall” be used with regard to street trees?

**Planner Foss** replied that they were projects that looked like townhouses but were actually condominiums in that there were no land grants.

**Deputy Planning Manager Schwob** opined that a “should” should be used, because the street tree could be placed to the side of the unit, in some cases, versus in front.

- Page 7, Subsection O, Decorative Streetlights  
The next set of design guidelines should include what was appropriate and what was not.
- Section 82757, Subsection C – Setbacks  
Was the six-foot landscape strip and four feet for sidewalk included in the ten-foot setback? Four and four was usual.

**Planner Foss** replied that if a building was to be constructed at the ten-foot setback, the Landscape Architect wanted eight feet measured from the face of the building to the tree, which meant that a total of ten feet was needed to accommodate the two feet on the other side of the tree to where the curb would be poured.



- Page 8 – Parking Requirements for Projects Proximate to BART and other Public Transportation  
Could on-street parking be included along the site's frontage as part of the required parking count?

**Deputy Planning Manager Schwob** asked if she wanted on-street parking to be allowed to count toward any project or only when made through a finding in this section.

**Commissioner Natarajan** opined that if a project was within a quarter mile of any of these transit centers, the parking count would not need a finding.

- Page 11 – Trash enclosures shown on site plan  
Trash enclosures, etc., should be shown on the landscape plan with site amenities.
- Page 14 – Live/work unit requirements  
How would any of these requirements be enforced?

**Planner Foss** stated they would be under code enforcement and zoning violations.

**Deputy Planning Manager Schwob** replied enforcement would occur on a complaint basis.

**Commissioner Natarajan** stated that she intensely disliked design review by numbers. She suggested that explicit intent statements would be very useful.

**Commissioner Thomas** believed that the hours of operation regarding the live/work units should be reviewed and perhaps limited on weekends. She suggested that the hours should be extended to 9:00 o'clock during the week.

**Deputy Planning Manager Schwob** stated that, according to the code, home occupations had no specific hour restrictions.

**Commissioner Harrison** agreed that this draft was a great start and good document. The letter from Mark Robson with Santa Clara Development tied into Recommendation Number 8. He stated that he had received a complaint from someone who was not allowed to expand his parking lot into an adjacent vacant lot that the person owned. Flexibility needed to be encouraged to allow for good affordable and commercial infill developments.

**Commissioner Thomas** agreed with Doug Ford's letter [discussed by Tom Perez earlier] that the wording should be changed concerning "homeless" versus "short-term residency shelters". Open space and parking restrictions should also be reviewed for certain types of developments.

**Commissioner Harrison** agreed with using the wording of "short-term residency shelters." He asked if open space and parking decisions would be better handled on a case-by-case basis.

**Planner Foss** replied that any proposal that qualified for a density bonus would automatically receive a ten percent parking reduction on top of the modifications that were being recommended for the affordable units within the project. The tenancy for affordable/senior/assisted living projects would allow the Planning Commission to make findings to lower parking requirements.

**Commissioner Sharma** liked the option to decide on a case-by-case, according to the data provided.

**Chairperson Cohen** asked if he wanted to keep the parking and open space requirements at a certain level, but use the flexibility, if needed.

**Commissioner Sharma** agreed that he did.

**Commissioner Wieckowski** also agreed with the letter from Mr. Ford. He would like Sub-Paragraph H, Section 2751.3 removed. He believed that the policing of the shelter projects did not need any more attention from the Planning Commission. The participants were now experienced and it was in the best interests of the committee running the program and in the shelter advocates to communicate with the neighbors and to control the program. He felt that the cost and time spent coming before the Planning Commission could be better spent in the program. He had mentioned before that he felt the open space requirements were restrictive when applied to affordable housing. He suggested that parking for affordable housing mirror that for senior citizen developments, i.e., a half space for occupant parking and a half space for guests per unit. Tandem parking should be counted toward parking calculations. The limitations set for the live/work units should be removed. He believed that someone who chose to live in a live/work environment would expect that different kinds of businesses and unusual work hours would be the norm. "Unless somebody's breaking the law, let them do what they want to do." He asked why an astrologist's business would not be compatible with others in a live/work environment. He asked what kind of connections (architecture? or movement?) Commissioner Natarajan was speaking of earlier.

**Commissioner Natarajan** stated that she was not talking about movement between the buildings as much as connections to the neighborhood. There should be no sound walls or inward looking developments that were not a part of the rest of the community.

**Chairperson Cohen** summarized that a project should not be an island in and of itself.

**Commissioner Natarajan** explained that if there was a street going through the development, it should connect with a street on the other side of the property. It should not become a cul-de-sac. Connections should be made to the existing community, not just to an adjacent development.

**Commissioner Thomas** asked if Section H was taken out, could a permit be issued? The wording should be changed, instead.

**Commissioner Wieckowski** asked why was it under the CUP. He felt that Section H should be in Section 2751.1 as permitted.

**Deputy Planning Manager Schwob** replied that staff understood what he meant.

**Commissioner Natarajan** agreed with Commissioner Wieckowski that the recommendations sounded more like specific conditions for specific projects rather than a zoning ordinance issue. A housing project in the CBD did not have to be as restrictive as a housing project in a residential neighborhood.

**Chairperson Cohen** asked if the Commission wished this item to come back for review after the Commission's recommendations were incorporated into the document. He stated that he saw agreement and no disagreement among the Commissioners.

**Commissioner Harrison** agreed that he would like to see it come back.

**Deputy Planning Manager Schwob** stated that this item could be brought back in a month on June 26, 2003.

**Commissioner Thomas** asked about the original plan for the Planning Commission to meet once a month. She wondered how it would influence setting a date certain.

**Deputy Planning Manager Schwob** replied that the Planning Department had been busy, and he anticipated many items would be brought forward to the Commission. He foresaw a meeting on that date for other items.

**Chairperson Cohen** stated that he wanted to underscore the importance of the above exercise relating to the item. Commissioner Natarajan did an excellent job highlighting particular issues within the document. This legislative body was doing exactly what it was in existence to do. He recalled the Commission struggling with poorly written, out of date ordinances and agreed that including the intent was crucial to provide directions to both staff and the Commission. He complimented staff on the excellent job.

IT WAS MOVED (HARRISON/SHARMA) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION CONTINUE TO JUNE 26, 2003.

The motion carried by the following vote:

AYES:	6 – Cohen, Harrison, Natarajan, Sharma, Thomas, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	1 — Weaver
RECUSE:	0

**Chairperson Cohen** called for a ten-minute recess at 8:30 p.m.

**Chairperson Cohen** brought the meeting back to order at 8:40 p.m.

**Item 4. MAPLE ST. RESIDENTIAL COMMUNITY – 37225, 37217 & 37237 Maple Street and 4179 Baine Avenue – (PLN2003-00200)** – to consider a General Plan Amendment and an Amendment to the Centerville Specific Plan to change land use designation on four parcels totaling 5.4 acres in the Centerville Planning Area. One portion of the General Plan Amendment includes changing the land use designation from Low Density Residential 5 to 7 dwelling units per acre to Very High Density 27 to 35 dwelling units per acre on 4.43 acres to accommodate 132 residential apartments. The second portion of the General Plan Amendment includes changing the land use designation from Low Density Residential 5 to 7 dwelling units per acre to Medium Density 6.5 -10 dwelling units per acre on 0.97 acres to accommodate 9 detached single-family dwelling units. Corresponding amendments to the Centerville Specific Plan are also proposed. A Mitigated Negative Declaration has been prepared for this project.

**Commissioner Harrison** recused himself because his family had a leasehold interest on nearby property.

**Deputy Planning Manager Schwob** stated that because the new Housing Element had not become effective at this date. The nomenclature of the prior Housing and Land Use Element had been used. This site was listed in the Housing Element as an appropriate site for higher densities and affordable housing. This proposal was consistent with what the new Housing Element had anticipated in this area. It was also an example of the “up-zoning” of single-family residential land to higher densities, of commercial reuse to higher densities, of transit-oriented development with its proximity to the ACE station in Centerville and it was proximate to services. He introduced Nancy Minicucci, Associate Planner, Mitch Moughon, Senior Civil Engineer, and Laura Gonzales-Escoto, Deputy Director for the Office of Housing & Redevelopment.

**Ginger Hitzke**, Senior Project Manager with Affirmed Housing Group, introduced Ken Rhode, project architect with KTG Y Group. She stated that two years ago, staff was contacted concerning an RFP (Request for Proposals) for affordable housing. After considerations that ranged from 170 apartments with no homes to 120 apartments and twice the number of homes, eventually, they arrived at 132 apartments and nine single-family homes. One weekend in mid-September, she walked the neighborhood and invited neighbors to the two (of three) community meetings, as outlined in the staff report. Staff provided a bus tour which showed community members that a well-designed, affordable housing development was no different than a market rate housing development. She read part of the description of the project from the staff report. The single-family component would sell at market rates. The multi-family component would provide much-needed housing on an under utilized commercial lot.

**Ken Rhode**, KTG Y Group Architects, stated that the nine single-family homes would front on Hansen Avenue and the 132 apartments would comprise varying stories, some over partial subterranean parking. The General Plan Amendment was being requested to allow housing growth, employment growth, economic growth, combat high housing costs and traffic and mitigate pressure on open space. The neighborhood would be enhanced by the use of the former auto repair space for high quality, residential housing of varying levels of density and affordability. The market rate single-family units would provide a transition between the existing neighborhood and the higher density, affordable units. The affordable units would be initially offered to lower income households living and/or working in the City. Density was the most important economic factor when creating affordable housing.

**Ms. Hitzke** requested a modification as outlined in her letter to staff that dealt with the older home on Maple Street and Hansen Avenue that may or may not be of historic quality. The letter stated that her company did not wish to apply to the California Office of Historic Preservation to register this home as a historic resource. She requested that the Planning Commission find that the home was not eligible for listing, which would allow for removal of the structure.

**Commissioner Natarajan** asked what income levels would be considered for this project.

**Ms. Hitzke** replied that she anticipated renting to households and individuals who earned 30 to 60 percent of median income, which would be the low and very low households.

**Commissioner Natarajan** asked if the site and design plans took into account all of the mitigation measures that were included in the negative declaration for noise and vibration. Would the site plan significantly change based upon the mitigation measures? She noted that the site was a hazardous waste site, and she wondered about the sub grade parking.

**Mr. Rhode** responded that those particular issues were being discussed with staff. The site plan could change, if all the mitigation measures were implemented. He did not believe that all the suggested mitigation measures were necessary. The hazardous waste had been taken into account.

**Ms. Hitzke** added that she believed it would not be an issue as extensive Phase I and Phase II studies had been conducted on the site.

**Chairperson Cohen** asked:

- Was Affirmed Housing Group a nonprofit corporation?
- Would tax credits be applied for?
- What other incentives did she expect to obtain from the City?
- Would this project remain in perpetuity as an affordable housing project?
- Would there be an on-site manager and would related social services be provided?

- Were related social services being contemplated as part of the project?
- How would this development provide transition from a neighborhood of small houses to the proposed very high density?
- Were the apartments to be affordable with the single-family homes to be market rate?

**Ms. Hitzke** replied that:

- Her organization was a for profit corporation that specialized in the development of affordable housing.
- Tax credits would be one of the financing mechanisms.
- A loan was being sought from the redevelopment agency.
- The apartment complex would remain affordable for 55 years, the minimum amount of time.
- On-site management and maintenance staff would live on the site.
- The scope of social services had not been determined. The kind and amount of services provided would depend upon the population of the development.
- The single-family buffer along Hansen Avenue would take care of the transition. Architectural styles of the homes were of interest to some of the neighbors who have directly communicated with the architect.
- She agreed that the apartments were to be affordable with the single-family homes to be market rate.

**Mr. Rhode** added that the multifamily component would be oriented to Baine Avenue with its primary entrance on Baine Avenue. There would be no direct vehicle access to Maple Street or Hansen Avenue from the multifamily component.

**Ms. Hitzke** added that the project stepped up from the single-family homes on Hansen Avenue to the apartments closest to the single-family homes, which would be two stories, and to the apartments furthest away from the single-family homes, which would be three stories over semi-subterranean parking.

**Chairperson Cohen** asked if a single-family home would replace the "destroyed historic home" on the corner. How would the apartments on Maple Street transition to the current single-family homes on Maple Street?

**Ms. Hitzke and Mr. Rhode** agreed that a single-family home would replace the "home" on the corner.

**Ms. Hitzke** stated that particular portion of the apartment complex on Maple Street would have a commercial zone across the street from it, which was currently underutilized. Lower densities had been considered, but it was determined that it would not be the best tie-in with future development of that property across the street.

**Mr. Rhode** stated that the single-family component had always been planned for Hansen Avenue, as presented during community meetings.

**Chairperson Cohen** opened the public hearing.

**Howard Mora**, local resident across the street from the site, read from a prepared statement, which stated that he was representing the concerns of the surrounding residents. The site was an eyesore and some kind of development was wanted. The proposed density worked out to 30 residences per acre compared to other affordable housing elsewhere in the City, which was closer to 22.5 residences per acre and would overwhelm the neighborhood. This project would not have direct access to a major traffic artery. All residents would drive through the existing neighborhood to and from their homes. He expected that approximately

300 cars would be added to the neighborhood traffic. At all community meetings, the neighbors stressed that the density needed to be reduced, and it had not been reduced enough. He urged the Commission to not support the amendment.

**Commissioner Natarajan** asked what density the speaker would be comfortable with on this site. She asked if he was more concerned about the traffic or the design and massing of the buildings.

**Mr. Mora** replied that other projects not on major arteries consisted of 14.5 to 22.8 units per acre. He was not opposed to the design, but he was opposed to the number of residences and the effect they would have on local traffic.

**Nina Roaaback**, 30-year Oak Street resident, agreed with the previous speaker and stated that it would be too many people in such a small area. She expected that something would go onto that site, but she wanted fewer of everything. Hansen and Baine Avenues were very narrow and could not accommodate the extra traffic that would be generated by this project. She claimed that traffic was fast and heavy on Sundays when the three churches on Hansen Avenue were in session.

**Commissioner Sharma** asked how far she was from Hansen Avenue and if she commuted to Hansen Avenue or if she drove up to Thornton Avenue.

**Ms. Raadback** stated that she lived two houses from Hansen Avenue and next to the Mr. Mora. She stated that she used Hansen Avenue more often than Oak Street, because Thornton Avenue was very busy.

**Lisa Yordy**, resident on the corner of Oak Street and Hansen Avenue across the street from Howard Mora, stated that she understood that the zoning would change from low to very high density rather than as was stated by Deputy Planning Manager Schwob as low to high density. She wondered if the very low-income people who already lived in the City would take the ACE transit to San Jose to work. She understood that the City would purchase the property for the project. Affirmed Housing would not have to buy it, which meant that the City would be subsidizing the project. She read a statement that summarized the local community's reasons for not supporting the development: the complex would be too large and too tall; up to 500 people could occupy the apartments, which would negatively impact their "quiet, calm and historic old Centerville neighborhood" (approximately 300 residents now live in the surrounding seven-blocks); the project density should be reduced to half of what was now planned; the buildings should be reduced to a maximum of three stories; traffic abatement and new traffic patterns should be created to shield the neighborhood from the additional traffic; and the sidewalks down Hansen Avenue should be completed. She did not feel that changing the development entrance to Baine Avenue would mitigate the added traffic on other surrounding streets. She asked that this project be created in a different location, such as, at the corner of Peralta Boulevard and Dusterberry Way, which was planned for a City park. An affordable housing project was not objected to, but she believed this development was "so far out of scale that the end result may not be one of building communities and making them stronger, but of destroying an existing community by overdevelopment and under support." She asked that this project be continued to allow for a redesign that would be smaller and less dense.

**Miriam Keller** stated that she was a member of COR, Congregations Organizing for Renewal, a federation of thirteen churches in Southern Alameda County that represented approximately 25 thousand families. She expected this development to be similar to 159 Washington and managed just as well. She believed that 159 Washington should have had more density. Affordable housing would never be built in Fremont if the neighbors were depended upon for approval. She encouraged approval of the project.

**Kathy Bray**, member of COR, spoke in favor of the project. The ABAG numbers that had been assigned to the City needed to be met by 2006 and this small project would help to work towards the total. She recommended that the apartment units remain affordable for 99 years rather than 55 years.

**Jim Vance**, resident on corner of Maple Street and Hansen Avenue since 1954, stated that he lived across the street from the “beautiful house that they want to leave there” and which he would like to see removed. He spoke as a concerned property owner and noted drainage, electrical and “street” problems, for which the residents’ taxes had never been used for corrections and improvements in the area. He was not against using the property for affordable homes, but he believed the proposed height of the buildings would not be compatible with the rest of the neighborhood. He felt that the single-family homes would be difficult to sell at market rate because of the apartment buildings that would be built behind them. He suggested that anyone who objected to tearing “the old barn” down should move it across the street from their house or put into their backyard.

**Commissioner Sharma** asked if the speaker wanted the historic house to be removed, because, to his knowledge, it was not historic. He asked how the apartment buildings would affect his property and if the new houses and apartment buildings would deaden the sound from the railroad tracks and improve his environment.

**Mr. Vance** agreed that the historic home was not historic and the apartment buildings would not affect his activities of daily living. However, they would be a detriment to the new single-family homes in front of them. He hoped that the sound from the railroad tracks would be less.

**Mr. Rhode** closed by noting that the progression of single-family homes to two story apartments to three story apartments provided a good transition for the neighborhood. The traffic study could be reviewed. This project would enhance the affordable Housing Element and would provide a high quality infill enhancement to the neighborhood.

**Commissioner Thomas** asked if a block wall was planned behind the single-family units. She asked for a response to the possibility of scaling the density back to 25 to 28 units per acre.

**Mr. Rhode** stated that a block wall would be built on the multi-family property line parallel to Hansen Avenue and one would also parallel Maple Street. He believed that these kinds of questions were not appropriate for this hearing and would be better answered during plan development review.

**Ms. Hitzke** stated that all needs and concerns, as expressed by the community, that could be addressed had been done. They would have to ask for a higher subsidy from the City if the density were lowered.

**Chairperson Cohen** closed the public hearing.

**Commissioner Wieckowski** asked what other type of housing development might be compatible with the character of the existing single-family detached homes, as stated in the land use policies.

**Associate Planner Minicucci** replied that when the Centerville Specific Plan was drafted, the intent was to follow through with bungalow and cottage style development and these were the only styles identified for this sub area.

**Commissioner Wieckowski** then asked what other compatible housing styles were suggested next to single family housing, citywide, that would enhance the residential

neighborhoods. Could any multifamily unit be considered compatible with the existing single-family dwellings in the City? He asked if the Centerville Specific Plan had anticipated that an opportunity for up to 98 single-family homes could be developed in this sub area. The suggestion seemed to be that the only development that would be compatible with the existing homes would be other residential houses along Hansen Avenue. Could a higher density development be constructed along Hansen Avenue?

**Associate Planner Minicucci** stated that the original density allowed five to seven dwelling units per acre and before the Commission was an amendment from the original density to a higher density. She agreed that up to 98 single-family homes could be developed in this sub area.

**Deputy Planning Manager Schwob** replied that in the broader context, other possibilities existed. The Centerville Specific Plan had assumed that the streets might be extended, along with the density of single-family units. He agreed that apartments or townhomes could be constructed that were within that density. He believed that the Plan had not envisioned that for this area and that was the reason for the amendment.

**Commissioner Wieckowski** stated that when he visited the site, he noticed it was one block from Fremont Boulevard and from the ACE train station. The Housing Element allowed higher permitted density within one-quarter mile of a transit station, and he recalled that the density allowed near the Fremont BART station was up to 70 units per acre. What was the maximum density permitted at this site? He asked if the project would require redevelopment assistance from the City and would the cost to the City be reduced if a higher density was allowed.

**Deputy Planning Manager Schwob** stated that 70 units per acre would not be possible at this particular location. Fifty units per acre was currently the maximum allowed by the text of the General Plan at this site. He remembered Commissioner Wieckowski questioning why the 70 units per acre would not be allowed at other transit stations other than the Fremont BART.

**Deputy Director for Housing Gonzales-Escoto** answered that the cost to the City might be reduced. Some costs were fixed; higher densities might require a different building style, which might increase costs. It was not always certain that more density would cost less; sometimes it cost more. Underground parking, for example, was added to the cost when a large portion of a site was used for housing.

**Commissioner Wieckowski** asked what maximum height was allowed under the old zoning requirements and what would it be under the new proposed zoning regulations.

**Associate Planner Minicucci** stated that the maximum height could be 45 feet for this P-District, but the Commission could approve an increase in height.

**Deputy Planning Manager Schwob** clarified that she was talking about the current multifamily maximum. The new proposed R-3 District suggested 52 feet in height.

**Commissioner Wieckowski** asked if the maximum 45 feet would allow a four-story building to be constructed. He asked if there was a difference as to how the Commission made its findings with regard to whether it used the RG 29 or the new R-3 requirements.

**Associate Planner Minicucci** stated that the 45 feet was to the mid range of the highest ridge and the applicant could have added another floor and still be within the 45-foot requirement.



**Deputy Planning Manager Schwob** stated that the height was measured half way to the highest ridge in the flatlands. The RG 29 allowed the Commission to make findings for a higher building height. The Planned District also allowed flexibility for various recommendations, as well.

**Commissioner Natarajan** asked the maximum height allowed in a single-family zone. She also asked that the historic home be addressed. Was it part of the inventory of the 100 historic homes?

**Deputy Planning Manager Schwob** answered that the maximum height for single family would be 30 feet to the mid-point of the ridge.

**Associate Planner Minicucci** replied that the historic home was not part of the inventory. The consultant who was hired to perform a historic evaluation as part of the CEQA analysis found that two of the four criteria were met, as recommended by the California Register. He found that the house was historically important, based upon the local context, and was one of a few 19<sup>th</sup> Century structures left in Centerville. Staff agreed that this home should be retained, rehabilitated and made a part of this development.

**Commissioner Natarajan** asked why this home did not make the 100 historic homes list. Would the single-family homes and the apartments be considered two separate parcels with two separate designations?

**Associate Planner Minicucci** replied that the first 100 homes were chosen according to their physical condition. Two hundred more homes and commercial buildings were being inventoried. However, she believed that this home was not to be a part of that inventory. The affordable units and the single-family homes would be on two separate parcels.

**Deputy Planning Manager Schwob** added that there would be two separate designations, but there would actually be ten parcels, nine for the single-family homes and one for the multi-family development.

**Commissioner Natarajan** asked if the single-family homes would be within the Step 3 density of five to seven units per acre.

**Deputy Planning Manager Schwob** stated that the density would actually be 6.5 to 10 units per acre, and they would have to be at the mid-point or higher of the range, which would be 8.3 to ten, under the new Housing Element.

**Commissioner Natarajan** stated that the new Housing Element had not yet been implemented. What was the justification for allowing Step 3 density?

**Deputy Planning Manager Schwob** stated that would be in effect by the time the Planned District came before the Commission. If the historic home was kept, the density would be allowed to drop below the mid-point density range. Otherwise, it could not. No justification would be required to increase density from mid-point to high end under the new Housing Element.

**Commissioner Natarajan** asked why the applicant proposed a width of 60 feet for Baine Avenue when the traffic report recommended 36 feet.

**Senior Civil Engineer Moughon** replied that Baine Avenue was shown as 60 feet on the assessor's map. The railroad owned half of the 60-foot width of Baine Avenue. The frontage along the north side of Baine Avenue had been treated as a frontage road because the railroad owned the other half. The difference was that parking was allowed on that side.

**Commissioner Natarajan** asked why both project driveways were off of Baine Avenue and why was Maple Street not used.

**Senior Civil Engineer Moughon** stated that the original site plan had shown a connection with Maple Street, but the local residents expressed concern about the increased traffic and the applicant changed the driveways to Baine Avenue to isolate those movements from the neighborhood.

**Commissioner Natarajan** asked how the mitigation measures would impact the site plan with regard to vibration and noise. Also, if the width of the site was reduced and the setbacks were increased, how would the building massing change? What kind of double windows would be required and were they wood or vinyl?

**Associate Planner Minicucci** replied the applicant was working with a consultant to ascertain if structural changes would mitigate the vibration issues. These would probably not include a setback, other than the 80 to 160 feet that was originally discussed in the CEQA report. Concerning the noise, if the applicant adhered to the mitigation measures recommended in the CEQA report, a higher setback would not be required. The windows would be very heavy vinyl windows, STC rated 45. The applicant was willing to bear the cost of the mitigation measures.

**Commissioner Sharma** asked how sure could the Commission be that this project would be built with the density discussed tonight if the General Plan Amendment was approved. "Were there still some ifs left?" He wondered what the density was for the 159 Washington development.

**Associate Planner Minicucci** responded that the only "if" concerned the vibration, and she believed that the project could work at this density. When the PD came before the Commission, it would review the mitigations and all of the other aspects of the project.

After some discussion, it was decided that 159 Washington was closer to 23 units per acre.

**Commissioner Thomas** could understand both sides of the issue. She would like to make the project less dense. However, making the entrances off Baine Avenue and constructing two separate projects should alleviate many of the neighborhood's concerns. It would obviously be a major impact to the neighborhood, but any development would impact it. She suggested that building duplexes rather than single-family homes could be a trade off for slightly reducing the height and volume of the affordable units. The buildings on Maple Street could be made less obtrusive.

**Chairperson Cohen** asked what the process was in obtaining this site and in selecting this particular developer.

**Deputy Director for Housing Gonzales-Escoto** understood that the City issued an RFP that was not site specific to obtain some energy and excitement from the development community. Affirmed Housing found this particular site and put about three-quarters of it (slightly more than three acres) under contract. The Redevelopment Agency would loan them the money and the housing fund had just put money into escrow for the remaining two acres. The worst-case scenario would be if the Agency loaned the developer to buy the land and the project did not move forward. At that time, the City would have site control and could move onto another planning effort.

**Chairperson Cohen** believed that the residents had no objections to this project, based upon its affordable housing component, and that the neighbors' concerns were very legitimate. If affordable housing had not been part of the consideration, this project would be inappropriate. It did not transition well and was completely out of context. This did not mean

that a project with significantly increased density would not be appropriate on this site. The City needed to preserve its integrity along with providing affordable housing. The existing neighborhoods would be compromised because the State and Federal governments would not provide the money, which he felt was the answer. He would not support the project at the density proposed nor anything that had to do with the destruction of the home.

**Commissioner Natarajan** agreed with Chairperson Cohen about the “desperate rush to look at all kinds of projects in sight” to meet the City’s affordable housing needs. However, she believed that this project was appropriate in this location. This project could be creatively designed to address the neighbor’s concerns with single-story elements, such as porches and stepped back elevations. Those concerns would be addressed when the Planned District came back to the Commission for review. She had no strong stand concerning the historic building, but it was in a location where it could be attractively incorporated into the project. The traffic study indicated that the intersections would be no worse than they were at the present time. She expected a project that was superior, well designed, with variety and that fit the neighborhood when it came back for review by the Commission. She would support the General Plan Amendment.

**Commissioner Sharma** stated that he lived in the vicinity of the 159 Washington project and remembered how the neighborhood had mobilized against it. People had many fears but it had not negatively impacted the neighborhood since the five years when it was constructed. He encouraged the neighbors to look at the glass as half full rather than half empty. When the details of the project were reviewed by the Commission, he expected that the final design plan would partially alleviate the fears of the surrounding neighbors and the best project possible would be constructed. He had no feelings about the historic house. He believed this project would improve the neighborhood, and he would support the amendment.

**Commissioner Wieckowski** saw this project as close-to-a-transit-oriented development, as it would allow residents to use the train to Stockton or San Jose. He would support the General Plan Amendment, and he would support even higher densities on Baine Avenue and Maple Street. He noted that if 148 affordable units were constructed, ten percent of the affordable Housing Element goal would be met.

**Commissioner Thomas** wondered why the corner house should be saved. In her opinion, the people who had lived in it and its architectural style were not worth what it would take to save it. It would be prohibitive to reconstruct it for use as a dwelling. She hoped that some of the architectural elements could be used elsewhere. She would support the General Plan Amendment. However, she made a strong caution that the density should be dropped to the bottom of the density range of 27 units per acre.

**Senior Deputy City Attorney Seto** noted that because the Commission was making a recommendation for a General Plan Amendment, four votes would be needed. A finding was also needed concerning the structure.

**Commissioner Sharma** felt that a finding should be made that the house was not historically significant.

**Commissioner Thomas** suggested that the Commission find the house could not be proven to be historically significant concerning the historic residents or by the architectural style, as referenced in the letter from Affirmed Housing.

**Senior Deputy City Attorney Seto** stated that finding, as articulated by Commissioner Thomas, would be sufficient, based on the Commissioners’ observations.

**Commissioner Natarajan** strongly encouraged the applicant to reuse the house’s components.

**Deputy Planning Manager Schwob** suggested that the Commission vote on two motions, one on the General Plan Amendment, as set before them and another on the house.

IT WAS MOVED (NATARAJAN/SHARMA) AND CARRIED BY THE FOLLOWING VOTE (4-1-0-1-1) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

**AND**

**RECOMMEND THE CITY COUNCIL APPROVE DRAFT MITIGATED NEGATIVE DECLARATION AND FIND IT REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;**

**AND**

**FIND PLN2003-00200 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S HOUSING AND LAND USE CHAPTERS AS DISCUSSED WITHIN THE STAFF REPORT;**

**AND**

**RECOMMEND THAT THE CITY COUNCIL APPROVE PLN2003-00200 TO AMEND THE GENERAL PLAN LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL, 5 TO 7 DWELLING UNITS PER ACRE TO VERY HIGH DENSITY 27 TO 35 DWELLING UNITS AND MEDIUM DENSITY 6.5 -10 DWELLING, AND A CENTERVILLE SPECIFIC PLAN LAND USE MAP AND TEXT AMENDMENT TO SUBAREA 4 FROM 5-7 DWELLING UNITS PER ACRE TO THE PROPOSED GENERAL PLAN LAND USE DESIGNATIONS LISTED ABOVE IN CONFORMANCE WITH EXHIBIT "A" (GENERAL PLAN AMENDMENT EXHIBIT) AND EXHIBIT "B", "B-1", AND "B-2" (CENTERVILLE SPECIFIC PLAN AMENDMENT).**

The motion carried by the following vote:

AYES:	4 – Natarajan, Sharma, Thomas, Wieckowski
NOES:	1 – Cohen
ABSTAIN:	0
ABSENT:	1 - Weaver
RECUSE:	1 – Harrison

**Chairperson Cohen** believed that the house should be preserved. This was the perfect opportunity to bundle it into a project that would have an impact on the City.

**Commissioner Thomas** stated that this house did not fit that category.

**Commissioner Natarajan** asked if the CEQA finding that the house be retained was because of its historical significance.

**Associate Planner Minicucci** replied that the CEQA finding was that the house was eligible for the California Register. The Commission could find that the house was not eligible for the California Register.

**Commissioner Sharma** mentioned that Associate Planner Minicucci had stated the house would not be on any of the "hot lists," anyway.

**Associate Planner Minicucci** stated that the house not being on any of the City's lists did not mean that the City did not feel that this was a structure that should be disregarded.

**Commissioner Natarajan** wondered at the need to preserve anything that was over 40 years old. This was not the last house that needed to be saved. There were many existing houses in the neighborhood that were the same style.

**Senior Deputy City Attorney Seto** announced that three affirmative votes for this motion were enough to pass.

IT WAS MOVED (THOMAS/NATARAJAN) AND CARRIED BY THE FOLLOWING VOTE (3-2-0-1-1) THAT THE PLANNING COMMISSION FIND THE DWELLING COULD NOT BE PROVEN TO BE HISTORICAL AND RECOMMEND THAT THE CITY COUNCIL NOT REQUIRE IT BE KEPT AS PART OF THE NINE SINGLE-FAMILY HOMES WITHIN THE DEVELOPMENT.

The motion carried by the following vote:

AYES:	3 – Natarajan, Sharma, Thomas
NOES:	2 – Cohen, Wieckowski
ABSTAIN:	0
ABSENT:	1 - Weaver
RECUSE:	1 – Harrison

## MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.
- Information from Commission: Commission members may report on matters of interest.
- **Commissioner Sharma** asked about the status of the Mission Hills Study.

**Senior Deputy City Attorney Seto** replied that a community meeting was held on April 28<sup>th</sup> where the Hillside Combining District would be modified to include some specific provisions where the City Engineer could require geologic studies regarding potential landslide conditions. The existing Mission Peak development policy would be repealed. The Planning Commission would probably review it sometime this summer.

- **Commissioner Sharma** stated that he had received communications regarding the condition of Ellsworth Street between Pine Street and Washington Boulevard.

**Deputy Planning Manager Schwob** stated that he had noticed it, also. He promised to forward the concern to the City Engineer and get back to him with an answer.

- **Commissioner Natarajan** asked that a study session or some forum be held with the City Attorney concerning the Brown Act. She wanted specific direction about meeting with applicants before a hearing and how detailed the disclosure should be.

**Chairperson Cohen** agreed that a study session would be helpful.

**Senior Deputy City Attorney Seto** agreed that she could circulate information in advance of a study session where she could make a presentation. That way, the Commissioners could come to the study sessions with specific questions in mind.

**Commissioner Wieckowski** asked if this could be done with the City Council.

**Chairperson Cohen** believed that a meeting with the City Council would not occur for at least eight months, and this was an issue that should be looked at before that time.

**Commissioner Natarajan** stated that she would prefer that the study session be comprised of just the Commissioners.

- **Commissioner Wieckowski** asked when the Catellus Development would be reviewed by the Commission.

**Senior Deputy City Attorney Seto** replied that it was scheduled to come to the Commission in the end of June or early July for a major amendment to allow retail uses on the site.

- **Commissioner Natarajan** announced that she was planning to take an extended vacation at the end of June, first of July and would miss some meetings during that time.

Meeting adjourned at 10:35 p.m.

SUBMITTED BY:

APPROVED BY:

Alice Malotte  
Recording Clerk

Jeff Schwob, Secretary  
Planning Commission